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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/471,501	12/23/1999	FRANCIS BIOLLEY	612.37981X00	7486

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EXAMINER

PECHHOLD, ALEXANDRA K

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 09/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/471,501

Applicant(s)

BOILLEY, FRANCIS

Examiner

Alexandra K Pechhold

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9 and 11 is/are allowed.
- 6) ☒ Claim(s) 1,6,7,10,12-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1, 7, 10, and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (US 4,333,828)

Regarding claim 1, Taylor discloses a pipe system for fluid transfer between a surface vessel (12) and a point located below as shown in Fig. 1. A continuously flexible riser is disclosed as flexible riser (26) connected to the point located below the water surface as seen in Fig. 1, and a rigid riser is seen as rigid steel riser (16) in Fig. 1, connected to flexible riser (26) at one end and to the surface vessel (12) at the second end. Fig. 1 illustrates the flexible riser (26) having a length at least equal to half the water depth. Taylor fails to disclose the point located at a distance below the water surface as fixed, since it is instead a moving collector (18). Yet it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the pipe of Taylor to be connected to a fixed point below the surface, since regardless of whether the pipe is connected to a fixed point or moving point, the same pipeline (flexible riser and rigid riser) can be used for great water depths.

Regarding claim 7, Taylor discloses that the surface vessel (12) pendulously supports a hydraulic transport riser (16) (Col 5, lines 27-30). Therefore the support action of the vessel serves as a holding means, since the riser (16) is held suspended from the vessel (12).

Regarding claim 10, Taylor discloses one or more risers, seen as flexible riser (26) and rigid steel riser (16) in Fig. 1.

Regarding claim 12, the effect of gravity on the weight of the risers (16, 26) serves to tension the risers, as does the weight of the collector (18) and the dump valve (32) and hydraulic actuator (30) seen in Fig. 1.

Regarding claims 13-16, the applicant claims a process used to achieve the product of claim 1. The method of forming the device is not germane to the issue of patentability of the device itself. Therefore, the limitations in claims 13-16 have not been given patentable weight.

3. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (US 4,333,828) as applied to claim 1 above, and further in view of Willis (EPO 0467635 A2). Taylor discloses the limitations of the claimed invention except for heat insulation means placed on at least the rigid part and/or flexible part. Willis teaches thermally insulating compositions and a method of insulating pipeline bundles and pipeline riser caissons. Willis states that it is necessary to insulate pipelines in order to prevent the temperature of the fluid traveling through the pipeline from significantly dropping, and that it is known to apply an inner or outer insulating layer to pipelines (page 2, lines 4-23). It would have been obvious to one having ordinary skill in the art at the time the

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invention was made to modify the rigid or flexible part of Taylor to have heat insulation means as taught by Willis, since Willis states on page 2, lines 4-23 that it is necessary to insulate pipelines in order to prevent the temperature of the fluid traveling through the pipeline from significantly dropping, and that it is known to apply an inner or outer insulating layer to pipelines.

Response to Arguments

4. Applicant's arguments filed 9/9/02 have been fully considered but they are not persuasive. Applicant has amended claim 1 to recite that the point below the surface is a *fixed* point. Therefore, claim 1 is now rejected under 35 U.S.C. 103(a) since Taylor does not specifically disclose a fixed point. But regardless of whether the point below the water surface is fixed or moving, Taylor discloses the flexible and rigid riser, which is used subsea and can be connected between any two types of points, moving or fixed. The applicant's invention is the pipe comprising the flexible riser and rigid riser, and Taylor discloses those structural elements.

Allowable Subject Matter

5. Claims 9 and 11 are allowed.

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Conclusion

6. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexandra Pechhold whose telephone number is (703) 305-0870. The examiner can normally be reached on Mon-Thurs. from 8:00am to 5:30pm and alternating Fridays from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached on (703)308-3870. The fax phone number for this Group is (703) 305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.


Thomas B. Will
Supervisory Patent Examiner
Group 3600

9/18/02

Application/Control Number: ***

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